



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,111	12/02/2005	Marco Braun	40149/00301	1245
30636 7590 09/02/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER CHENEVERT, PAUL A				
ART UNIT		PAPER NUMBER		
3612				
MAIL DATE		DELIVERY MODE		
09/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,111

**Applicant(s)**

BRAUN ET AL.

**Examiner**

Paul A. Chenevert

**Art Unit**

3612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11, 13-16, 20-22 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13-16, 20-22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 11-24 have been considered but are moot in view of the new ground(s) of rejection. The introduction of the new claim limitation "such that a cross-member between A-columns of the vehicle is dispensable" requires new grounds of rejection.

### ***Drawings***

2. The drawings were received on 25JUN08. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 11, 13, 15, 16, 20, 21 & 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Merrifield et al. (US 5,762,395; 09JUN98; cited in the first Office action).

Merrifield et al. disclose a control panel (instrument panel assembly 14 with a cross car support structure 16) for an automotive vehicle, comprising: a frame structure (single plastic beam 40) that is force-absorbing and constructed from linear elements, areas of the frame structure which are delimited by the linear elements being sealed at least partially by plastic sheet elements (structural substrate layer 67), the areas being covered with a decorative layer (instrument panel cover 60), the sheet elements being connected to the linear elements by an

integral material connection, the frame structure being directly connected to at least one of an end wall (vehicle side structure 10) and a body of the vehicle, the frame structure being constructed such that a cross-member arranged between A-columns of the vehicle is dispensable

In regards to 13, the linear elements, when installed in the control panel, have a U-shaped cross-section.

In regards to 15, the decorative layer covers substantially an entire surface of an upper side of the control panel.

In regards to 16, a method for manufacturing of a control panel for an automotive vehicle, comprising: providing a frame structure constructed from linear elements, areas of the frame structure being delimited by linear elements being sealed at least partially by plastic sheet elements; and covering the areas with a decorative layer, wherein the frame structure is constructed such that a cross-member arranged between the A-columns of the vehicle is dispensable and the frame structure is directly connected to at least one of an end wall and a body of the vehicle.

In regards to 20, the linear elements are a prefabricated self-supporting frame.

In regards to 21, the linear elements are individual pieces.

In regards to 24, an automotive vehicle, comprising: a control panel including a frame structure constructed from linear elements, areas of the frame structure which are delimited by the linear elements being sealed at least partially by sheet elements, the areas being covered with a decorative layer, the sheet elements being connected to the linear elements by an integral material connection, wherein the frame structure is directly connected of at least one of an end

wall of the vehicle and a body of the vehicle and the frame structure being constructed such that a cross- member arranged between the A-columns of the vehicle is dispensable.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al. in view of Wada et al. (US 3,834,842 A; 10SEP74).

Merrifield et al. disclose a control panel as described above.

However, Merrifield et al. do not expressly disclose that each of the linear elements is a strip of honeycomb sandwich structure.

Wada et al. disclose a control panel employing a honeycomb sandwich structure.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the control panel of Merrifield et al., to employ a honeycomb sandwich structure, as taught by Wada et al.

The suggestion/motivation for doing so would have been to allow for a strengthened impact absorbing control panel, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the control panel of Merrifield et al. by combining a honeycomb sandwich structure with the sheet elements to obtain the invention as specified in claim 14, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merrifield et al. in view of Delmastro (US 6,354,623 B 1; 12MAR02).

Merrifield et al. disclose a control panel as described above.

However, Merrifield et al. do not expressly disclose that the linear elements are one of bundles of continuous fibres and strips of mat material, the mat material being embodied as a fabric, the fabric being one of a single-layer fabric and a multilayer fabric, the fabric being one of a non-woven fabric and a woven fabric.

Delmastro discloses an automotive control panel (10) formed by linear elements made of bundles of continuous fibres and strips of mat material, the mat material being embodied as a fabric, the fabric being one of a single-layer fabric and a multilayer fabric, the fabric being one of a non-woven fabric and a woven fabric.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the control panel of Merrifield et al., to employ fiber materials, as taught by Delmastro.

The suggestion/motivation for doing so would have been to allow for a strengthened impact absorbing control panel, as is desired in this vehicle invention.

Therefore, it would have been a desirable and thus a prima facie obvious modification of the control panel of Merrifield et al. by combining a honeycomb sandwich structure with the sheet elements to obtain the invention as specified in claim 22, as taught by the prior references' motivation, and not hindsight from the Applicant's disclosure.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. Chenevert whose telephone number is (571)272-6657. The examiner can normally be reached on Mon-Fri (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on 571-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. Glenn Dayoan/  
Supervisory Patent Examiner, Art Unit 3612

Paul A. Chenevert  
Examiner  
Art Unit 3612

PAC  
18AUG08